

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PRISM INNOVATIONS, INC.
RICHARD O'BOYLE, JR.

-V-

ORDER OF DISMISSAL, ADOPTING
REPORT & RECOMMENDATION
CV 12-1313(JS)(ETB)

HEMOCARE.COM, ET AL.
-----X

APPEARANCES:

For plaintiff(s):
Richard O'Boyle, Jr., *Pro Se*
50 Amuxen Ct.
Islip NY 11751

For Defendant(s):
(None)

SEYBERT, DISTRICT JUDGE:

The above-captioned case was filed on Mar. 16, 2012.

After several defendants were voluntarily dismissed, this Court issued an Order on Jul. 30, 2012 (docket entry [19]) that the plaintiff must "update the Court as to the status of the action against the remaining defendants." As no update was provided, Magistrate Judge E. Thomas Boyle issued an order on Nov. 8, 2012 (docket entry [20]) that the plaintiff was to show cause why the case should not be dismissed. Again, there was no response, so Judge Boyle issued a Report and Recommendation on Dec. 18, 2012 (docket entry [21]).

At an appearance before this Court on Mar. 15, 2013 (docket entry [27]), Mr. O'Boyle, appearing *pro se* and as the principal of the corporate plaintiff, consented both to the withdrawal of the prior attorney, Ms. Conway, and the dismissal of the action. Therefore, the Report and Recommendation is ADOPTED.

IT IS HEREBY ORDERED that this case be dismissed without prejudice for lack of prosecution, pursuant to Rules 4(m) and 41(b), Federal Rules of Civil Procedure. The Clerk of Court is directed to mark the matter as closed.

SO ORDERED.

Dated: Central Islip, New York
April 8, 2013

13/
JOANNA SEYBERT, U.S.D.J.